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UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA
[MODESTO DIVISION]

In re:
NATHAN BENJAMIN DAMIGO,
Debtor.

Chapter Number: 7

Case No. 19-90003-E-7
STATUS REPORT

**ELIZABETH SINES, SETH
WISPELWEY, MARISSA BLAIR,
TYLER MAGILL, APRIL MUNIZ,
HANNAH PEARCE, MARCUS
MARTIN, NATALIE ROMERO,
JOHN DOE, AND CHELSEA
ALVARADO,**

Plaintiffs,

v.

NATHAN BENJAMIN DAMIGO,
Defendant.

Adv. Pro. No. 19-09006-E

STATUS CONFERENCE

Date: November 9, 2023
Time: 2:00 p.m.
Dept.: E

STATUS REPORT

Elizabeth Sines, Seth Wispelwey, Marissa Blair, Tyler Magill, April Muniz, Hannah Pearce, Marcus Martin, Natalie Romero, John Doe, and Chelsea Alvarado (the “**Plaintiffs**”) respectfully submit this Status Report pursuant to the Court’s May 5, 2023 and September 25, 2023 Orders Continuing Status Conference (the “**Continuance Order**”) (Dkt. Nos. 51 and 53), which set a status conference for November 9, 2023, and required the parties to file updated status reports on or before November 2, 2023.

Pursuant to the Complaint (the “**Complaint**”) filed commencing this adversary proceeding (the “**Adversary Proceeding**”), Plaintiffs seek a determination that the amount(s) of the damages arising from numerous claims asserted in Plaintiffs’ lawsuit against Nathan Damigo (the “**Defendant-Debtor**”) in the United States District Court for the Western District of Virginia (the “**Virginia District Court**”), Case No. 3:17-cv-00072-NKM (the “**Charlottesville Action**”) are non-dischargeable pursuant to section 523(a)(6) of Title 11 of the United States Code. On February 18, 2019, this Court entered an order (the “**Stay Order**”), staying all proceedings in this Adversary Proceeding, and extending the Defendant’s time to respond to the Complaint, pending further order of the Court.

The Virginia District Court trial commenced on October 25, 2021. A jury verdict in the Charlottesville Action was reached as to certain causes of action and defendants, including the Defendant-Debtor, on November 23, 2021. Specifically, the jury verdict found the Defendant-Debtor liable to Plaintiffs for Virginia state law civil conspiracy and awarded compensatory and punitive damages of approximately \$500,000. The jury did not reach a verdict on certain federal causes of action.

Since the time the Court entered the Continuance Order, the Virginia District Court affirmed the jury verdicts and both the plaintiffs and defendants in the Charlottesville Action have filed notices of appeal with the United States Court of Appeals for the Fourth Circuit. The appeals have been fully briefed, but the parties are awaiting the Court to schedule oral argument on the appeals. In his letter to the Court filed on October 16, 2023 (Dkt. No. 55), Defendant-Debtor requested a continuance of the Status Conference until May 9, 2024. Given the foregoing, the Plaintiffs join in that request and respectfully ask the Court to continue the Status Conference until May 9, 2024, which will enable the

1 parties time to have a clearer estimate of the conclusion of the appellate process.

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3 Dated: October 18, 2023

Respectfully submitted,

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COOLEY LLP

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By: /s/ Robert L. Eisenbach III
Robert L. Eisenbach III

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Attorneys for Plaintiffs

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PROOF OF SERVICE
(FRCP 5)

I am over the age of eighteen years, and not a party to the action. My business address is Cooley LLP, 3 Embarcadero Center, 20th Floor, San Francisco, California 94111. On the date set forth below I served the documents described below on the following parties in this action in the manner described below at the direction of a member of the bar of this Court:

• **STATUS REPORT**



(BY U.S. MAIL) I am personally and readily familiar with the business practice of Cooley LLP for collection and processing of correspondence for mailing with the United States Postal Service, and I caused such envelope(s) with postage thereon fully prepaid to be placed in the United States Postal Service at San Francisco, California.

Nathan Benjamin Damigo
14773 Orange Blossom Rd
Oakdale, CA 95361
(Debtor)
PRO SE



(BY CM/ECF NOTICE OF ELECTRONIC FILING) I caused said document(s) to be served by means of this Court's electronic transmission of the Notice of Electronic Filing through the Court's transmission facilities, to the parties and/or counsel who are registered CM/ECF Users set forth in the service list obtained from this Court.

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(U.S. Trustee)

Executed on October 18, 2023.

Mollie Canby

Mollie Canby